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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/008,772 | 12/06/2001 | Martin L. Gronberg | NETS0082 | 9956 |
| 22862 | 7590 | 07/13/2005 | EXAMINER | |
| GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025 | | | MCCLELLAN, JAMES S | |
| | | | ART UNIT | PAPER NUMBER |

3627

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/008,772 | Applicant(s) GRONBERG ET AL. | |
| | Examiner James S. McClellan | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/04:8/04:12/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-10 and 16-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 26, 2005.

Specification

2. The abstract of the disclosure is objected to because it must be written as a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. US 2002/0147656 A1 (hereinafter "Tam '656").

It is noted that two patent publications are cited in the Office Action that list Tam et al. as the inventive entity. For the purpose of clarity, the Examiner reminds Applicant that Tam et al. (2002/0147656) is the publication relied upon in the rejection.

Tam '656 discloses a system for quantizing the effectiveness of advertising (see page 4, paragraph 0040) using an online merchant system (304; see Figure 3) that facilitates commercial transactions involving commerce items, comprising: a commerce item information receiving system (Aggregator 302; see Figure 3; see also page 2, paragraph 0020) that is accessible by at least one online entity (seller 304) that may interface with the commerce item information system (302) to deliver a data feed comprised of plurality of commerce item information packets that relate to commerce items that can be shopped for by online users via the online merchant system (see page 2, paragraph 0021), the commerce item information receiving system under hardware and software control to, receive, map and store each commerce item information packet into an aggregate database using a common commerce item information format (see page 3, paragraph 0025), and associate a commerce item information tag (XML tags; see page 5, paragraph 0047) to each commerce item information packet stored within the aggregate database; the system for quantizing the effectiveness of advertising also including, a commerce metric recording system that records commerce metrics reflecting related to the online activity regarding any particular commerce item by recording queries of the aggregate database returning a specific unit of commerce item information and the associated commerce item information tag (see page 3, paragraph 0024, "buying and/or browsing habits"; see also page 7, paragraphs 0071 and 0076; page 10, paragraph 0095); **[claim 12]** the reporting system further enables reporting commerce metrics to an online entity selected from the group of entities consisting of; an online service provider or an online vendor (see page 3, paragraph 0024, "buying and/or browsing habits"; see also page 7, paragraphs 0071 and 0076; page 10, paragraph 0095); **[claim 13]** commerce metrics comprises at least one of the metrics selected from the group consisting of;

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the number user aggregate database queries retrieving the commerce item information associated with the commerce item information tag, the temporal aspects related to user database queries retrieving the commerce item information associated with the commerce item information tag, aggregate database retrievals initiated by the online merchant system for advertisement related purposes (see page 3, paragraph 0024, “buying and/or browsing habits”; see also page 7, paragraphs 0071 and 0076; page 10, paragraph 0095); **[claim 14]** the commerce item information tag further comprises a product identifier (see page 5, paragraph 0047, product information 110 includes product name, product number, etc.), the product identifier generated according to a methodology that reflects similarities in commerce item information; and **[claim 15]** the methodology for generating product identifiers for association with the commerce item information in the aggregate database generates product identifiers that also reflect the differences in commerce item information (see again page 5, paragraph 0047, product information 110 includes product name, product number, etc.).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Cambray et al. (US 2002/0152284 A1) is cited of interest for disclosing reporting online activity (see paragraph 0025 in the Summary of the Invention).

Tam et al. (US 2002/0184116 A1) is cited of interest for disclosing a shopping aggregator system that links buyers and sellers.

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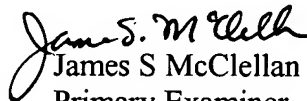
Gardner, Sr. (US 2003/0023511 A1) is cited of interest for disclosing tracking online activity.

Vittal et al. (US 6,907,401 B1) is cited of interest for disclosing an online shopping aggregator.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. McClellan whose telephone number is (571) 272-6786. The examiner can normally be reached on M-F (9:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James S McClellan
Primary Examiner
Art Unit 3627

jsm
July 8, 2005